

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Kimihiro Mabuchi et al.	Art Unit :	1797
Serial No. :	10/559,398	Examiner :	Ana M. Fortuna
Filed :	December 5, 2005	Confirmation No.:	5661
		Notice of Allowance Date:	June 25, 2008
Title :	HIGHLY WATER-PERMEABLE BLOOD PURIFIER OF HOLLOW-FIBER MEMBRANE TYPE		

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF ALLOWANCE AND COMMENTS ON EXAMINER'S
REASONS FOR ALLOWANCE**

In response to the Notice of Allowance mailed June 25, 2008, enclosed are a completed issue fee transmittal form PTOL-85b and for the required issue fee and publication fee.

Comments on Examiner's Statement of Reasons for Allowance

At page 2 of the Notice of Allowance, the Examiner states that

claims 1-2 and 4-8 as whole are allowed over the prior art of record. The hydrophilic polymer content of the membrane in the outer surface (support surface), in combination with the degree of hydrophilic polymer leakage, and average of hole area, recited in claim 1, is not disclosed in Kawata. The Examiner agrees with applicant's remarks of 2/29/08, page 2, second paragraph, which distinguishes the amended claim from the prior art of record.

First, applicants recognize that in accordance with MPEP §1302.14, the Examiner's reasons for allowance need not set forth all of the details as to why the claims are allowed. Applicants agree that the relevant independent claims are distinguished from the cited prior art for at least the reasons of record and those stated in the Reasons for Allowance, which are sufficient for allowance of those claims. However, Applicants do not concede that the stated reasons are the only grounds for patentability of the allowed claims, that the limitations excluded from the Reasons for Allowance are taught or suggested by the art of record, or that all of the

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limitations are necessary for patentability of the allowed claims or other claims directed to the disclosed subject matter.

At page 2 of the Notice of Allowance, the Examiner also states that


[c]opending applications 10/559,544, 10/582,052, 10/599,128, 10/559,167, and other copending application were reviewed for determining double patenting. The claims differ from the present application, which is narrower in terms of membrane structure and properties.

While disagreeing with the Examiner's characterization of the claims of the present application, Applicants agree that the subject claimed blood purifiers are indeed patentably distinct from the claims of copending U.S. Application Serial Nos.: 10/559,544; 10/582,052; 10/599,128; and 10/559,167 (now U.S. Patent No. 7,258,439). Applicants can not comment on the "other copending application" cited by the Examiner without a U.S. Serial No.

The required fees in the amount of \$1740 are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any additional charges or credits to our Deposit Account No. 06-1050, referencing Attorney Docket No. 19461-0003US1.

Respectfully submitted,

Date: September 24, 2008



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